

## **Exhibit 5**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

SIG SAUER, INC., CHECK-MATE  
INDUSTRIES, INC., CHECK-MATE  
INTERNATIONAL PRODUCTS, INC.,  
NORDON, INC., and THOMAS PIERCE  
d/b/a PIERCE DESIGN

Plaintiffs,

v.

FREED DESIGNS, INC.,

Defendant.

DEFENDANT'S INFRINGEMENT  
CONTENTIONS UNDER S.R. 5.1

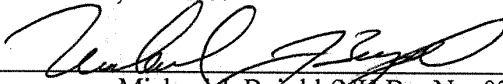
Civil Action No.: 1:14-cv-461

Attached please find Defendant Freed Designs, Inc.'s ("FD") infringement contentions under S.R. 5.1, served previously in the earlier filed Central District of California Case: *Freed Designs, Inc. v. Sig Sauer, Inc.*, CV13-09570-ODW(AGR<sub>x</sub>).

Dated: April 16, 2015

DAVIS & BUJOLD, P.L.L.C.

By



Michael J. Bujold (NH Bar No. 0388)

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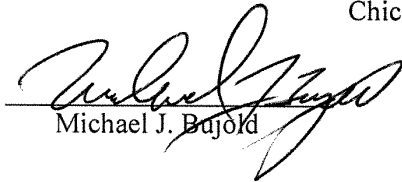
Attorney for Defendant Freed Designs, Inc.

**CERTIFICATE OF SERVICE**

I, Michael J. Bujold, hereby certify that a copy of Defendant's Infringement Contentions Under S.R. 5.1, including this document and the referenced document, were served on Plaintiffs' attorneys, by United States mail, postage prepaid, at the addresses set forth below, on this **April 16, 2015**:

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8 *Attorneys for Plaintiff Freed Designs, Inc.*

9  
10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA  
12 WESTERN DIVISION  
13

14 FREED DESIGNS, INC.,

15 Plaintiff,

16 vs.

17 SIG SAUER, INC.,

18 Defendant,  
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Case No. 2:13-cv-09570-ODW-AGR

**PLAINTIFF'S DISCLOSURE OF  
ASSERTED CLAIMS AND  
INFRINGEMENT CONTENTIONS  
PER NORTHERN DISTRICT OF  
CALIFORNIA PATENT LOCAL  
RULES 3-1 AND 3-2**

22 In accordance with the requirements of Rules 3-1 and 3-2 of the Northern  
23 District California Patent Local Rules, Freed Designs, Inc. (hereinafter "FD")  
24 provides the following information reasonably available to it at this time to  
25 Defendant.

26 FD is continuing its investigation as to relevant documents and witnesses and  
27 will, as necessary, disclose further documents and witnesses in a timely manner.

28 FD reserves the right to supplement, revise, correct, clarify, or otherwise amend the

FD's Rule 26(a)(1) Initial Disclosures  
Case No. 2:13-cv-09570-ODW-AGR

1 information disclosed, consistent with the Federal Rules of Civil Procedure and any  
2 applicable orders of the Court, including after FD receives and reviews any  
3 applicable discovery or other information from third parties or from Defendant.

4 By making these disclosures, FD does not waive any applicable privilege or  
5 work product protection and expressly reserves its right to object to the production  
6 of any of the information identified herein on those grounds. FD also reserves its  
7 right to object to the admissibility of any of the information disclosed below.

8 Subject to these reservations, FD provides the following information.

9 **3-1. Disclosure of Asserted Claims and Infringement Contentions:**

10 a. Claims 1 and 4 of U.S. Patent No. 6,928,764 ("the '764 patent") are being  
11 infringed under 35 U.S.C. §271(a).

12 b. Sig Sauer's P238 and P938 grip extenders are infringing claims 1-4 of the  
13 '764 patent.

14 c. **CHARTS**

15 **CLAIM I**

16 A grip extender in combination with a	Exhibit 1 shows labeled FD product
17 handgun comprising: a handgun using	"XGRIP 238." The XGRIP 238 has
18 a variety of different model	all elements of claim 1: magazine,
19 magazines, a grip extender with	extender/collar, front wall, rear wall,
20 symmetrical interior side walls, an	tangs, ribs, floor plate and closed
21 exterior front wall configured to a	bottom.
22 user's grip, and a rear wall, for use	
23 with the handgun magazine to fill a	Exhibit 2 shows labeled SS product
24 gap between the magazine and the	"Extended Grip 938." The
25 handgun, with said magazine having	Extended Grip 938 has all elements
26 an open top for loading ammunition	of claim 1: magazine,
27 cartridges and a closed bottom for	extender/collar, front wall, rear wall,
28 containing said ammunition	tangs, ribs, floor plate and closed

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cartridges, said closed bottom ending in a floor plate, of determinable thickness, with a lower surface and an upper surface, with said floor plate also having a peripheral surface larger than a peripheral surface of a corresponding body of the magazine, said grip extender further comprising:	bottom. Exhibit3shows labeled SS product "Extended Grip 238." The Extended Grip 238 has all elements of claim 1: magazine, extender/collar, front wall, rear wall, tangs, ribs, floor plate and closed bottom.
a) one-piece collar slideably mounted from the open top of said magazine and subsequently seated at the closed bottom of said magazine thereby substantially filling any gap resulting from a length of the magazine protruding from a handgun when said magazine is engaged into said handgun, said collar having a size and shape sufficient to elastically receive and grip the magazine and magazine floor plate thereby securely retaining the collar and having at least one pair of opposed tangs oriented inward from the interior side walls of the collar; and	
b) further comprising at least one pair of opposed ribs, said ribs oriented inward from the interior side walls of	

1 the collar, with a bottom shoulder of  
2 said ribs distanced above the tangs,  
3 said distance approximately equal the  
4 determinable thickness of the  
5 magazine floor plate; and

6 c) when sliding the grip extender into  
7 its final position on the magazine a  
8 step of the said tangs engages the  
9 lower surface of the floor plate and  
10 captures the corresponding upper  
11 surface of floor plate against said the  
12 bottom shoulder of the opposed ribs.

14 **CLAIM 4**

15 The grip extender [of] claim 1 further  
16 comprising a lower surface  
17 depending below the magazine floor  
18 plate thereby protecting said  
19 magazine from impacts with surfaces  
20 when the magazine is released from a  
21 handgun during reloading.

SS Extended Grip 238 and SS  
Extended Grip 938 have a lower  
surface depending below the  
magazine floor plate. See Exhibits 2  
and 3.

23  
24 d. Not applicable.

25 e. For each element of each asserted claim, the element is literally present in  
26 the accused products.

27 f. Claims 1 and 4 of the '764 patent claim priority of provisional application  
28 no. 60/194,981, filed on April 5, 2000 and continuation-in-part of

1 application no. 09/827,578, filed on April 5, 2001.

2 g. FDI "XGRIP 238"

3 h. Defendant had no good faith belief that the '764 patent was invalid or not  
4 infringed when Defendant began copying.

5 **3-2. Document Production Accompanying Disclosure:**

6 a. N/A

7 b. Plaintiff has prototypes for Defendant to see.

8 c. A copy of the file history for the patent in suit is attached as Exhibit A.

9 d. A copy of the assignment for the patent in suit is attached as Exhibit B.

10 e. See enclosed charts, showing Plaintiff's products

11  
12 Dated: May 19, 2014

/s/ Patrick F. Bright

Patrick F. Bright

14 WAGNER, ANDERSON & BRIGHT, PC

15 Attorneys for Plaintiff Freed Designs, Inc.



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**CERTIFICATE OF SERVICE**

I hereby certify that on May 19, 2014, a copy of the foregoing **PLAINTIFF'S  
DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT  
CONTENTIONS PER NORTHERN DISTRICT OF CALIFORNIA  
PATENT LOCAL RULES 3-1 AND 3-2** was served via e-mail on the following:

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Dated: May 19, 2014

/s/ Patrick F. Bright  
Patrick F. Bright

# **EXHIBIT 1**

EXHIBIT 1A

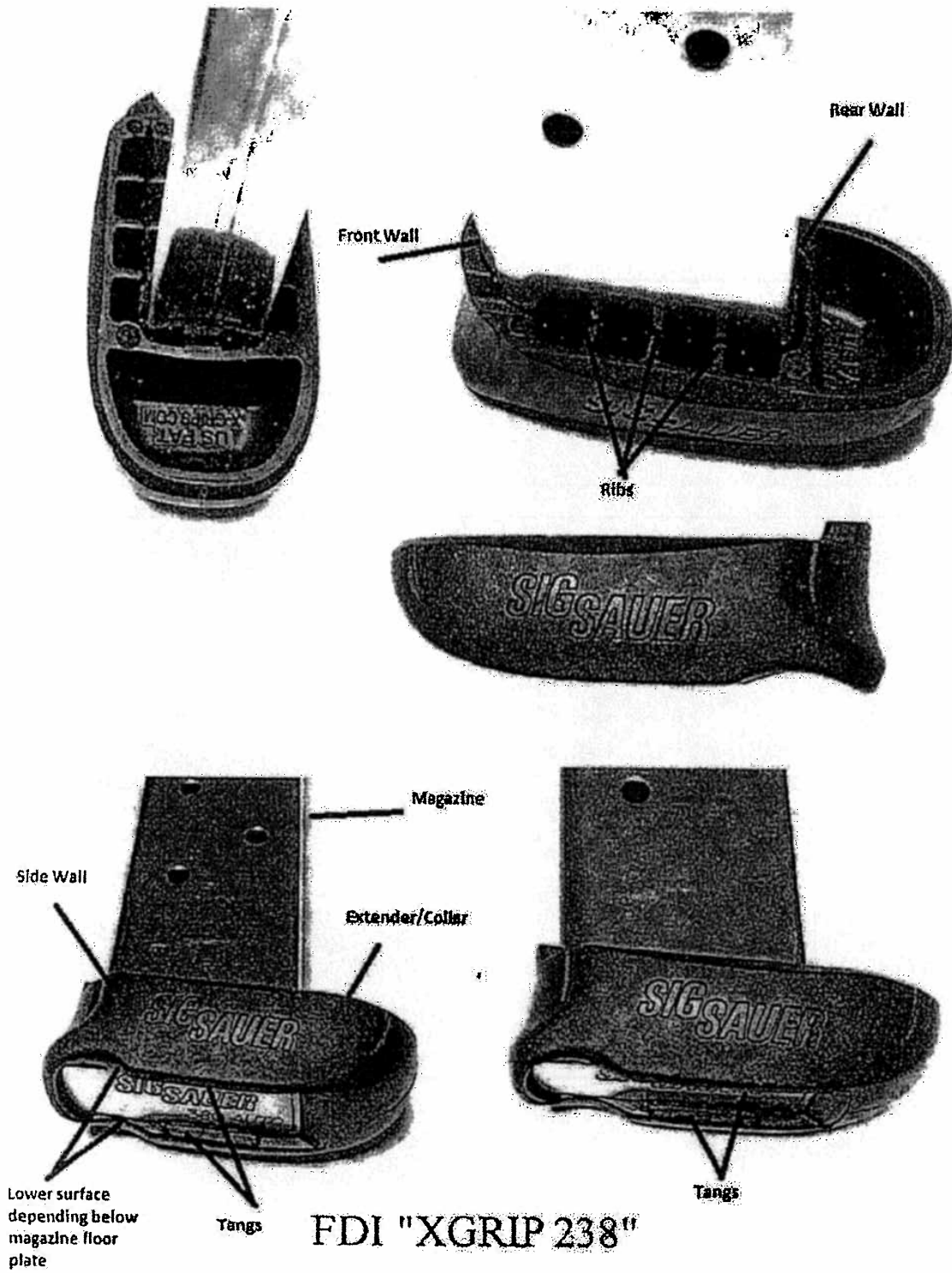
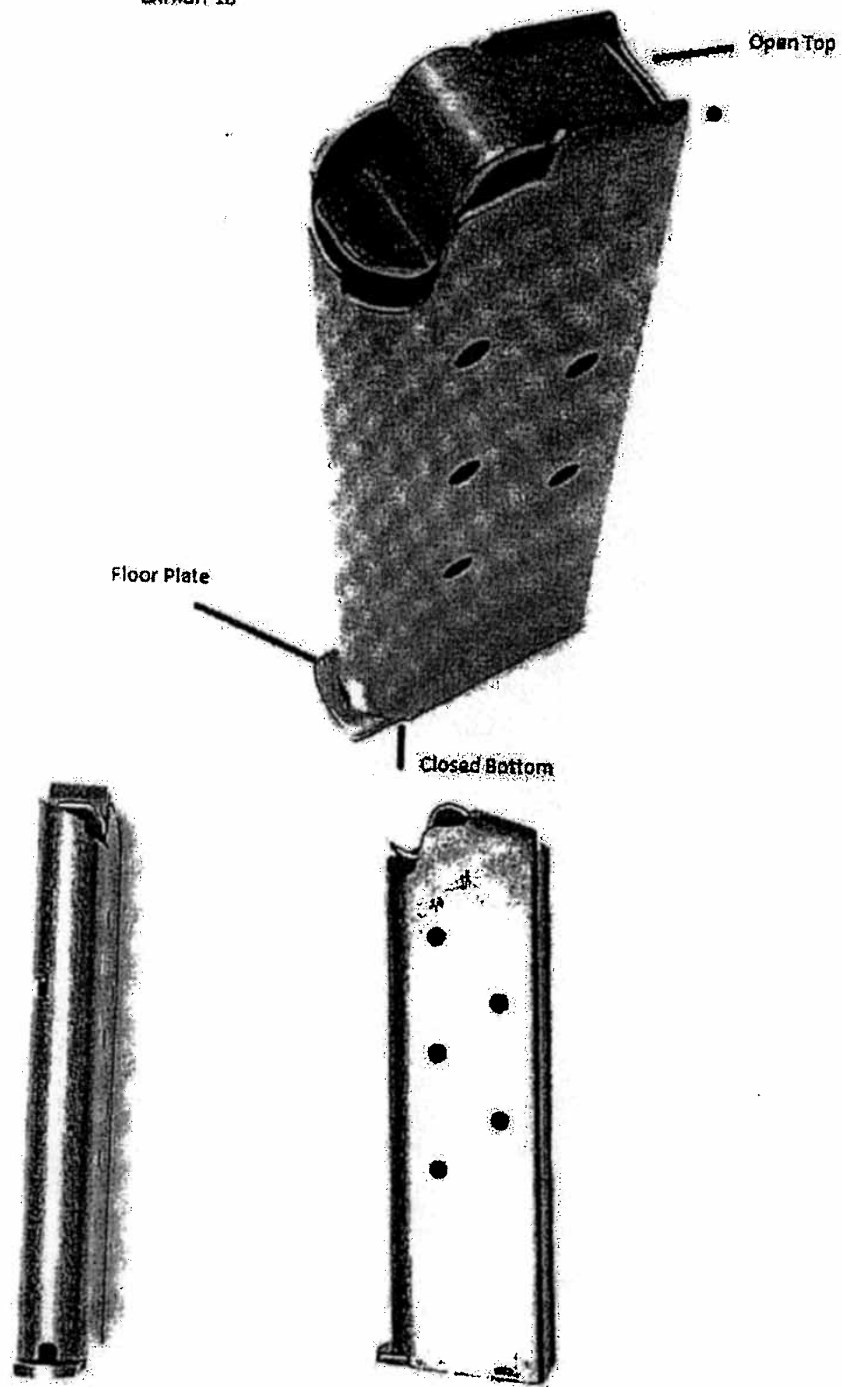


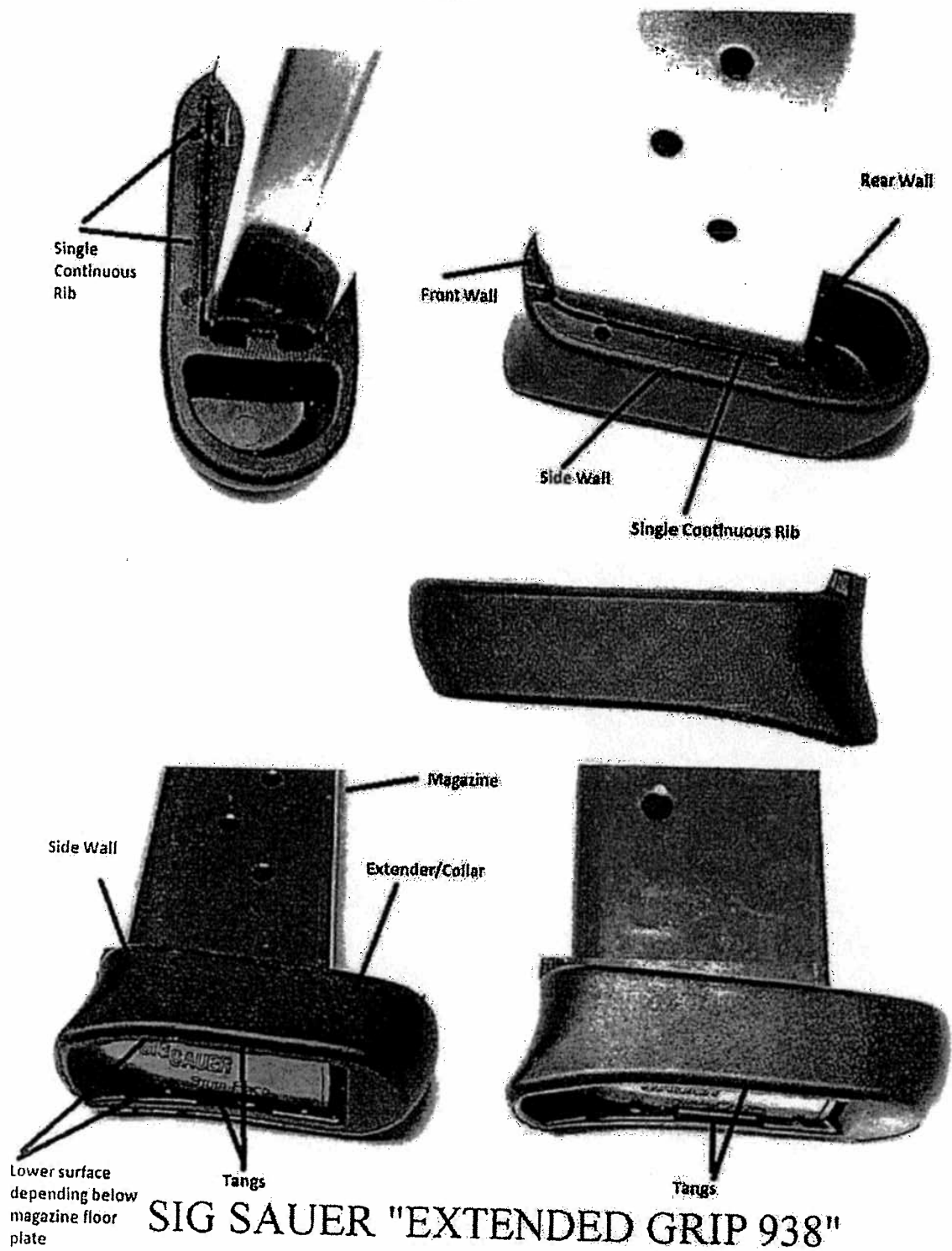
EXHIBIT 1B



OPEN TOP MAGAZINE

# **EXHIBIT 2**

**Exhibit 2**



# **EXHIBIT 3**

Exhibits

